VIRGINIA WATER CONTROL BOARD - NOTICE OF PUBLIC COMMENT PERIOD
WATER QUALITY MANAGEMENT PLANNING REGULATION AMENDMENT –
THREE TOTAL MAXIMUM DAILY LOAD (TMDL) WASTE LOAD ALLOCATIONS
ISSUED: April 18, 2005
COMMENT PERIOD CLOSES: May 18, 2005 at 4:00 p.m.

Notice is hereby given that the State Water Control Board (Board) in accordance with the Public Participation Procedures for Water Quality Management Planning is seeking comment on amending the regulation entitled: 9 VAC 25-720 et. seq. Water Quality Management Planning Regulation. Statutory authority for promulgating these amendments can be found in §62.1-44.15(10) of the Code of Virginia.

The purpose of the amendment to the state's Water Quality Management Planning Regulation (9 VAC 25-720) is to adopt three Total Maximum Daily Load (TMDL) waste load allocations contained in three TMDL reports. These TMDL reports have been developed in accordance with Federal Regulations (40 CFR §130.7) and are exempt from the provisions of Article II of the Virginia Administrative Process Act. These TMDL reports have been through the TMDL public participation process contained in DEQ's Public Participation Procedures for Water Quality Management Planning. The public comment process provides the affected stakeholders an opportunity for public appeal of the TMDLs. EPA approved all TMDLs presented under this public notice. The approved reports can be found at http://www.deq.state.va.us/tmdl/

DEQ staff intends to recommend 1) that the board approve the TMDL reports as the plans for the pollutant reductions necessary for attainment of water quality goals in the impaired segments, 2) that the Board authorize inclusion of the TMDL reports in the appropriate Water Quality Management Plan, and 3) that the Board adopt the three TMDL waste load allocations as part of the state's Water Quality Management Planning Regulation in accordance with §2.2-4006A.4.c. and §2.2-4006B of the Code of Virginia.

Specifically, staff will propose amendments of the state's Water Quality Management Planning regulation for the following river basins: Potomac-Shenandoah River Basin (9 VAC 25-720-50.A), and the New River Basin (9 VAC 25-720-130.A). The three TMDL reports and specific TMDLs affected by the proposed Board actions are listed below:

In the Potomac-Shenandoah River Basin (9 VAC 25-720-50.A):

"Opequon Watershed TMDLs for Benthic Impairments: Abrams Creek and Lower Opequon Creek, Frederick and Clarke Counties, Virginia"

1. Abrams Creek benthic TMDL, located in Frederick County, proposes sediment reductions for portions of the watershed.
2. Lower Opequon Creek benthic TMDL, located in Frederick and Clarke Counties, proposes sediment reductions for portions of the watershed.

In the New River Basin (9 VAC 25-720-130.A):

"Total Maximum Daily Load (TMDL) Development for Hunting Camp Creek Aquatic Life Use (Benthic) and E. coli (Bacteria) Impairments"

3. Hunting Camp Creek benthic TMDL, located in Bland County, proposes sediment reductions for portions of the watershed.

To address a bacteria impairment, this TMDL report also proposes bacteria reductions for portions of the watershed. No regulatory amendments pertaining to these reductions are proposed.

PUBLIC PARTICIPATION: The Board is seeking comments on the intended amendments to the Water Quality Management Regulation and approval of the TMDL reports. Anyone wishing to submit written comments may do so by mail or by e-mail to Jutta Schneider at the address given below. Written comments must include the name and address of the commenter and must be received no later than 4:00 p.m. on May 18, 2005.

CONTACT: Additional information is available on the Department of Environmental Quality web site at http://www.deq.virginia.gov/tmdl/ or contact Jutta Schneider, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, or telephone (804) 698-4099, or e-mail at jschneider@deq.virginia.gov

A copy of the full text of these procedures is available electronically at:
http://www.deq.virginia.gov/tmdl/pn/wlaadoption405.pdf

The electronic copy is in PDF format and may be read online or downloaded. Also, hard copies are available upon request.